

October 8, 2013

A regular meeting of the Council of the Town of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:00 p.m., October 8, 2013.

Members present: Mayor Robert T Wandrei; Councilman Robert D. Carson; Councilman Stacey L. Hailey; Councilman Steve C. Rush; Councilman C. G. Stanley, Jr.; and Vice Mayor James A. Vest

Members absent: Councilman W. D. Tharp

Staff present: Town Manager Charles P. Kolakowski; Town Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher

Mayor Wandrei opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Wandrei declared that the minutes of a regular Council meeting held on September 24, 2013, were approved as distributed.

Steve Wandrei introduced the new Executive Director of Bedford Main Street, Inc., Amanda Adams.

Ms. Adams said she was looking forward to working with the Town Council.

Town Manager Kolakowski reported on the following:

- There will be a ribbon cutting at noon on October 9 at 339 Washington Street for Owens Beauty Supply & Accessories.

Lt. Todd Foreman, Bedford Police Department, presented the *Saved by the Belt* award to Rosalie Terry who was in a car accident on December 17, 2012, and was wearing her seatbelt.

Councilman Carson, Property Committee, stated the committee met earlier in the evening in closed session.

Vice Mayor Vest, Chairman of the Finance Committee, said the committee met earlier in the evening regarding the reappropriation of funds from outstanding purchase orders from Fiscal Year 2013; the rollover and reappropriation of funds for incomplete projects as of June 30, 2013; and looked at a new type of format for financial reporting.

Mr. Kolakowski said that agenda item "Rollover and Reappropriation of Funds for Incomplete Projects as of June 30, 2013, will be tabled until the next Council meeting.

Town Manager Kolakowski stated that at the end of each fiscal year, the City has purchase orders which are outstanding representing work that has not been completed. These represent goods and services that have already been ordered but have not yet been received or invoices that have not been paid as of June 30, 2013. Town staff is requesting the reappropriation of the funds that are outstanding on purchase orders as of

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June 30, 2013, to the budget for Fiscal Year 2014. A detailed list of the amounts requested by account number had been provided to the Council.

On motion by Vice Mayor Vest, seconded by Councilman Stanley, voted upon and carried by a roll call vote, Council approved the reappropriation of purchase orders per the following list. Roll call vote follows:

Councilman Carson	aye
Councilman Hailey	aye
Councilman Rush	aye
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Mayor Wandrei	aye

PURCHASE ORDERS OUTSTANDING FOR FISCAL YEAR 2013

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
10011231-555000	Training Expense	743.80
10011241-555000	Training Expense	2,198.59
10011242-555000	Training Expense	1,022.78
10011261-533103	Software/Hardware Maint.	3,571.90
10011261-53310	Training Expense	2,156.29
10011261-555002	Training - Town Wide	990.32
10033110-555000	Training Expense	2,090.00
10033110-533117	Training Facility Maintenance	2,070.00
10033110-557255	Reg Crash Team	4,023.00
10044240-531401	Groundwater Monitoring - Old	3,700.00
10077111-558413	Athletic Materials & Supplies	1,636.25

GENERAL FUND TOTAL	24,202.93
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50011261-581727	Office 2010 Migration	10,000.00
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GENERAL CAPITAL PROJECTS FUND TOTAL	10,000.00
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17964240-533203	Transfer & Disposal of Solid Waste	6,085.72
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SOLID WASTE FUND TOTAL	6,085.72
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18974430-531406	Water & Sewer Study	45,500.00
18974430-560174	Materials & Supplies/Chemicals	11,748.00
18974440-533116	Fire Hydrant Maintenance	4,937.00
18974440-560170	Materials & Supplies	21,408.00
18974440-560176	Water Meters	4,699.00
18974440-560190	Water Line Construction	13,900.00
18974450-533113	Repairs/Maintenance - Plant	26,044.00
18974450-551100	Electric - P/S #1 (18001)	3,338.00
18974450-551100	Electric - W/W Plant (18013)	16,614.00
18974450-560170	Materials & Supplies	4,582.00
18974450-560174	Materials & Supplies Chemicals	16,731.00
18974460-533101	Inflow & Infiltration Rehab	13,233.00

WATER & SEWER FUND TOTAL

182,734.00

19981920-560071	Maintenance Supplies	7,482.00
19981920-560071	Maintenance Supplies	7,692.00
19891920-560071	Maintenance Supplies	2,000.00
19981920-560071	Maintenance Supplies	1,895.63
19981940-560074	Wire & Cable	1,531.81

ELECTRIC FUND TOTAL

20,601.44

59981920-581442	Rebuild Speed Increaser-4	127,854.77
59981920-581442	Rebuild Speed Increaser-4	4,716.00
59981920-581442	Rebuild Speed Increaser-4	11,155.00

ELECTRIC CAPITAL PROJECTS FUND TOTAL

143,725.77

TOTAL OF ALL OUTSTANDING PURCHASE ORDERS

387,349.86

The City Manager reviewed the following information about amending the Town Code concerning the discharge of weapons in order to allow limited hunting:

The Public Safety Committee of the Town Council at a meeting on August 27, 2013, discussed the subject of amending the town ordinances to allow limited hunting. Special attention was to be given to the newly annexed portions of the County which had become part of the town as a result of the reversion to town status.

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The proposed ordinance was prepared and posted as required by the town code. In addition, a notice of the proposed ordinance and a public hearing on the subject was advertised in the Bedford Bulletin in the issue of September 4 giving notice that the Council would consider the matter on September 10, 2013. After public discussion at the September 10 meeting of the Council, the Mayor appointed a special advisory committee on hunting within the town limits to consider the matter.

The Mayor appointed to the Advisory Committee two councilmen, Steve Rush and Stacey Hailey, and three citizens, Jerry Hudson, Courtney Holdren, and Eddie Harmony. The Advisory Committee met on September 16 and directed the Town attorney to prepare a "draft" ordinance for the Committee's review. The Committee met again on September 24 immediately before the Town Council meeting and made some changes in the proposed ordinance. The matter was then considered by the Town Council at its meeting on September 24, additional changes were suggested, and the Council directed that an ordinance be posted prior to the meeting on October 8.

A proposed ordinance has been posted in accordance with the provisions of the town code. Hunting in the new areas of the town will remain governed by the laws of the Commonwealth of Virginia and by the rules and regulations of the Virginia Department of Game and Inland Fisheries.

Hunting in the original portions of the town prior to reversion will be allowed only on parcels containing 10 acres or more for which the owner has obtained a permit from the Town Manager or designee. Hunters within these areas can use shotguns and muzzle loading rifles only (and firearms of 23-caliber or less may be used for hunting varmints).

General provisions applicable to all areas of the town require that firearms shall not be discharged within 100 yards of a regularly occupied building or dwelling unless written permission of the owner or occupant is obtained, and no hunting will be allowed within 100 yards of street, sidewalk, alley, school park or place open to the public within the town limits. All hunting must be done in compliance with the laws of the Commonwealth. Town Council is requested to consider the ordinance as proposed and take such action as it deems appropriate.

Councilman Rush moved that the ordinance amending provisions of the Town Code concerning discharge of weapons in order to allow limited hunting be adopted as submitted. The motion was seconded by Councilman Stanley.

Vice Mayor Vest thanked the committee that worked very hard to get the ordinance put together.

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Vice Mayor Vest moved that the ordinance be amended to allow the use of .22-caliber long rifle instead of the .223 caliber (Sec. 30-77.1 (b) (ii). The motion was seconded by Councilman Hailey.

Councilman Rush said the ordinance clearly states .23-caliber and it was discussed with the Advisory Committee. Mr. Rush said for varmint hunting the .22-caliber is questionable where it would effectively do what it needs to do.

Councilman Carson stated he felt Council was moving too fast. He said that the people who have been hunting all their lives on their properties should be grandfathered in where they can continue to hunt. Mr. Carson said that everyone he has talked to does not think it is a good idea to hunt in town.

Councilman Hailey said there was no hunting in the City for over 40 years and he felt it was alright to grandfather the property that was brought into the town with the reversion.

Vice Mayor Vest's motion was the voted on by the following roll call vote:

Councilman Hailey	nay
Councilman Rush	nay
Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	aye
Mayor Wandrei	nay

The Mayor said as this was a tie vote the amendment failed.

Councilman Hailey moved that the ordinance be amended as follows: strike any hunting within the town limits, the old city limits, and hunting in an original portion of the town prior to the reversion and allow only that part to be stricken from the ordinance.

Councilman Hailey stated his motion intended to eliminate Section 30-77.1 (b).

Mayor Wandrei explained that Section 30-77.1 (b) would also eliminate (i) through (iv).

After discussion, Councilman Carson seconded the motion.

The motion was then voted upon by roll call vote and did not pass. Roll call vote follows:

Councilman Rush	nay
Councilman Stanley	nay
Councilman Tharp	absent
Vice Mayor Vest	nay
Councilman Carson	aye
Councilman Hailey	aye
Mayor Wandrei	nay

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Mayor Wandrei moved that the following clerical amendments to the ordinance, as submitted, be made: that under 30-77.1, subparagraph (b), the word “or” should be stricken and under subparagraph (iii) of paragraph (b) of the same section add “within 100 yards of” any street, sidewalk... The motion was seconded by Vice Mayor Vest, voted upon and carried by the following roll call vote:

Councilman Stanley	aye
Councilman Tharp	absent
Vice Mayor Vest	aye
Councilman Carson	nay
Councilman Hailey	nay
Councilman Rush	aye
Mayor Wandrei	aye

The ordinance follows as adopted:

Ordinance No.10-8

**AN ORDINANCE AMENDING THE PROVISIONS OF THE TOWN CODE
CONCERNING DISCHARGE OF WEAPONS IN ORDER
TO ALLOW LIMITED HUNTING**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEDFORD,
VIRGINIA:**

Section 1. Section 30-77 of the Town Code is amended and re-enacted as follows:

Sec. 30-77. Discharge of Firearms.

(a) It shall be unlawful for any person in the town to discharge any rifle, shotgun, or firearm of any description provided, that this section shall not apply to the following:

(1) The discharge of firearms and other weapons by law-enforcement officers and military forces in the town as part of authorized training in the performance of their duties or by any other person whose discharge of a firearm is justifiable or excusable at law in the protection of his life or as otherwise specifically authorized by law;

(2) The discharge of blank cartridges in theatrical performances or sporting events or the firing of salutes by firing squads at military funerals;

(3) The use of the town’s firearms range under the supervision of the police department; and the use of private firearms ranges that have been approved by the Chief of Police;

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(4) The use of firearms for control of animals by approved town personnel under the supervision or at the recommendation of the state department of game and inland fisheries, the state department of agriculture, or the state department of health;

(5) Hunting as allowed under Section 30-77.1

(b) Any person who violates the provisions of this Section shall be guilty of a class 1 misdemeanor.

Section 2. A new Section 30-77.1 is enacted as follows:

Sec. 30-77.1 Hunting within the Town limits

Firearms may be discharged in the Town of Bedford for the purpose of hunting animals and killing varmints subject to the following terms:

(a) Hunting in the area of the Town which was not part of the City of Bedford prior to reversion to Town status on July 1, 2013, shall be governed by the laws of the Commonwealth of Virginia and by the rules and regulations of the Virginia Department of Game and Inland Fisheries.

(b) Hunting within the portions of the Town that constituted the City of Bedford prior to reversion to Town Status on July 1, 2013 shall be limited to land consisting of a parcel ten (10) acres or more or contiguous parcels containing 10 acres or more under the same ownership and shall be subject to the following conditions;

(i) The landowner must have applied for and obtained a permit from the Town Manager describing the particular land on which the hunting shall occur. The Town Manager or his designee shall review the application and determine that it meets the requirements of this Section and shall issue a license if he finds that hunting can be safely conducted on such parcel or parcels under the provisions of this Ordinance. The license shall be valid for a period of 5 years, provided that there is no change of ownership;

(ii) Hunting shall be done only with shotguns discharging pellets using number 5, 6, 7, 8 or 9 shot, or for the purpose of hunting deer using 00 and number 4 shot, or firearms of .23-caliber or less (for varmints only) or muzzle loading rifles using a charge of black powder or black powder equivalent as those terms are defined in the regulations of the Department of Game and Inland Fisheries;

(iii) No person while hunting shall discharge a firearm within 100 yards of any regularly occupied building or dwelling (except with the written permission of the owner or occupant), or within 100 yards of any street, sidewalk, alley, school, park, or place open to the public within the Town limits;

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(iv) All hunting must be done in compliance with the laws of the Commonwealth of Virginia and the rules and regulations of the Department of Game and Inland Fisheries.

Section 3. This ordinance includes a penalty for its violation, and the Clerk is directed to cause the ordinance to be published one time immediately after its passage in some newspaper published in the town or posted at three or more public places in the Town for one week in accordance with Section 19 of the town Charter, and this ordinance shall be effective upon completion of such publication or posting.

Mayor Wandrei adjourned the meeting at 7:30 p.m.